

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

NORTH CAROLINA STATE CONFERENCE,)
OF THE NAACP, EMMANUEL BAPTIST)
CHURCH, NEW OXLEY HILL BAPTIST)
CHURCH, BETHEL A. BAPTIST CHURCH,)
COVENANT PRESBYTERIAN CHURCH,)
CLINTON TABERNACLE AME ZION CHURCH,)
BARBEE'S CHAPEL MISSIONARY BAPTIST)
CHURCH, INC., ROSANELL EATON,)
ARMENTA EATON, CAROLYN COLEMAN,)
BAHEEYAH MADANY, JOCELYN FERGUSON-)
KELLY, FAITH JACKSON, MARY PERRY,)
and MARIA TERESA UNGER PALMER,)

Plaintiffs,)

v.)

1:13CV658

PATRICK LLOYD MCCRORY, in his)
Official capacity as Governor of)
North Carolina, KIM WESTBROOK)
STRACH, in her official capacity)
As Executive Director of the)
North Carolina State Board of)
Elections, RHONDA K. AMOROSO,)
in her official capacity as)
Secretary of the North Carolina)
State Board of Elections, JOSHUA)
D. MALCOLM, in his official)
Capacity as a member of the North)
Carolina State Board of Elections,)
PAUL J. FOLEY, in his official)
Capacity as a member of the North)
Carolina State Board of Elections)
and MAJA KRICKER, in her official)
capacity as a member of the North)
Carolina State Board of Elections,)

Defendants.)

LEAGUE OF WOMEN VOTERS OF NORTH)
CAROLINA; A. PHILIP RANDOLPH)
INSTITUTE; UNIFOUR ONESTOP)
COLLABOARATIVE; COMMON CAUSE NORTH)

CAROLINA; GOLDIE WELLS; KAY
BRANDON; OCTAVIA RAINEY; SARA
STOHLER; and HUGH STOHLER,

Plaintiffs,

and

LOUIS M. DUKE; ASGOD BARRANTES;
JOSUE E. BERDUO; CHARLES M. GRAY;
NANCY J. LUND; BRIAN M. MILLER;
BECKY HURLEY MOCK; MARY-WREN
RITCHIE, LYNNE M. WALTER, and
EBONY N. WEST,

Plaintiff-Intervenors,

v.

1:13CV660

THE STATE OF NORTH CAROLINA,
JOSHUA B. HOWARD, in his official
capacity as a member of the State
Board of Elections; RHONDA K.
AMOROSO, in her official capacity
as a member of the State Board of
Elections; JOSHUA D. MALCOLM, in
his official capacity as a member
of the State Board of Elections;
PAUL J. FOLEY, in his official
capacity as a member of the State
Board of Elections; MAJA KRICKER,
in her official capacity as a
member of the State Board of
Elections; and PATRICK L.
MCCRORY, in his official capacity
as the Governor of the State of
North Carolina,

Defendants.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1:13CV861

THE STATE OF NORTH CAROLINA,)
THE NORTH CAROLINA STATE BOARD)
OF ELECTIONS; and KIM W. STRACH,)
in her official capacity as)
Executive Director of the North)
Carolina State Board of Elections,)
)
Defendants.)
_____)

ORDER OF PRELIMINARY INJUNCTION

On August 8, 2014, this court issued its Memorandum Opinion and Order, denying a preliminary injunction requested by Plaintiffs in the above-captioned cases. (Doc. 184 in case 1:13cv658; Doc. 182 in case 1:13cv660; Doc. 171 in case 1:13cv861.) Plaintiffs appealed this decision to the Court of Appeals for the Fourth Circuit, which issued a split decision on October 1, 2014, that affirmed this court's judgment in part and reversed in part. See League of Women Voters v. North Carolina, Nos. 14-1845, 14-1856, 14-1859, 2014 WL 4852113 (4th Cir. Oct. 1, 2014). The court of appeals remanded the case with instructions to this court to issue a preliminary injunction against the Defendants from enforcing two components of the voting law in question - North Carolina Session Law 2013-381 (referred to by the court of appeals as "HB 589," its earlier House Bill designation) - "as swiftly as possible." Id. at *21.

On October 2, 2014, Defendants filed a motion with the Fourth Circuit for a recall and stay of that court's mandate pending the filing and disposition of a petition for a writ of

certiorari with the Supreme Court of the United States. The filing of the motion to stay had the effect of staying the mandate during the pendency of the motion. Fed. R. App. P. 41(d)(1). Later that day, the Fourth Circuit denied the motion, with a dissent, which had the effect of lifting the stay of the mandate.

Late on October 2, 2014, Defendants filed an Emergency Application for Recall and Stay of Mandate with the Chief Justice of the United States Supreme Court as Circuit Justice for the Fourth Circuit. The Court has directed Plaintiffs to file a response by 5:00 p.m. Sunday October 5, 2014.

No party has indicated to this court that the filing of the emergency application with the Supreme Court acts as a further stay of the mandate and the court of appeals' direction to act "as swiftly as possible," and this court is unaware of any authority that it does.

Therefore, in accordance with, and at the direction of, the majority opinion of the court of appeals and the mandate issued thereupon, the court's Memorandum Opinion and Order denying the injunction request of Plaintiffs (Doc. 184 in case 1:13cv658; Doc. 182 in case 1:13cv660; Doc. 171 in case 1:13cv861) is modified such that

IT IS ORDERED that Defendants in the above-captioned cases, their officers, agents, servants, employees, and attorneys, as

well as any other person acting in active concert or participation with the Defendants are PRELIMINARILY ENJOINED as follows:

- Part 16: House Bill 589's elimination of Same-Day Voter Registration, previously codified at G.S. 163-82.6A, is enjoined, with the provisions in effect prior to House Bill 589's enactment in full force pending the conclusion of a full hearing on the merits;
- Part 49: House Bill 589's elimination of Voting in Incorrect Precinct, previously codified at G.S. 163-55, is enjoined, with the provisions in effect prior to House Bill 589's enactment in full force pending the conclusion of a full hearing on the merits.

League of Women Voters, 2014 WL 4852113, at *21.

IT IS FURTHER ORDERED that the parties appear before the court on Tuesday October 7, 2014, at 3:00 p.m. in Winston-Salem, Courtroom # 2 for a status conference to address how Defendants intend to comply with this Order.

/s/ Thomas D. Schroeder
United States District Judge

October 3, 2014